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2 UNITED STATES DISTRICT COURT
3 CENTRAL DISTRICT OF CALIFORNIA
4 EASTERN DIVISION – RIVERSIDE
5

6 SAVE OUR FOREST ASSOCIATION,
7 INC.,

8 Plaintiff,

9 vs.

10 UNITED STATES FOREST SERVICE, *et*
11 *al.*,

12 Federal Defendants,
13

14 and
15

16 YUHA AVIATAM OF SAN MANUEL
17 NATION, a federally recognized Indian
18 tribe, also federally recognized as SAN
19 MANUEL BAND OF MISSION
20 INDIANS,

21 Defendant-Intervenor.
22

Case No.: 5:24-cv-01336-JGB-DTB

**[PROPOSED] ORDER DENYING
DEFENDANT-INTERVENOR'S
MOTION TO DISMISS**

Courtroom: 1

Judge: Hon. Jesus G. Bernal

Action Filed: June 25, 2024

23 Before the Court is the October 9, 2025 “Notice of Motion and Motion to
24 Dismiss,” ECF No. 79, filed by Defendant-Intervenor Yuhaaviatam of San Manuel
25 Nation. For the reasons set forth below, the Court DENIES the Motion.

26 * * *

27 The Nation is not a “required” party under Federal Rule of Civil Procedure 19
28 because it is not a party to the challenged 2023 Special Use Permit (“SUP”) and does

1 not hold any legally protected interest in the SUP or related water infrastructure on
2 the San Bernardino National Forest. *See* ECF No. 24-2 (2023 SUP). “To come
3 within the bounds of Rule 19(a)(1)(B)(i), the interest of the absent party must be a
4 legally protected interest and not merely some stake in the outcome of the litigation.”
5 *Jamul Action Comm. v. Simermeyer*, 974 F.3d 984, 996 (9th Cir. 2020). The Nation
6 lacks any legally protected interest in the challenged 2023 SUP.

7 Moreover, even if the Nation was a required party to this litigation, dismissal is
8 not appropriate under the “public rights exception” to traditional joinder rules. *See*
9 *Connor v. Burford*, 848 F.2d 1441, 1460 (9th Cir. 1988). Here, Plaintiff brings suit
10 under the National Environmental Policy Act, the National Forest Management Act,
11 the Federal Land Policy and Management Act, and the Administrative Procedure Act.
12 Am. Compl., ECF No. 24 ¶¶ 105-18. And Plaintiff “does not purport to adjudicate
13 the rights of” the Nation, “it merely seeks to enforce the public right to administrative
14 compliance with the environmental protection standards of” those statutes. *See*
15 *Connor*, 848 F.2d at 1460.

16 * * *

17 Accordingly, the Court DENIES Defendant-Intervenor’s Motion to Dismiss,
18 ECF No. 79.

19
20 IT IS HEREBY ORDERED.

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24 Dated:

25 By: _____
26 The Hon. Jesus G. Bernal
27 United States District Judge

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